



Atty. Docket No. STE01 P-1045B

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I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

December 3, 2004
Date

Melanie S. Jernberg
Melanie S. Jernberg

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3636
Examiner : Anthony Derrell Barfield
Applicant : Douglas C. Ball et al.
Appln. No. : 10/659,662
Filing Date : September 10, 2003
Confirmation No. : 3688
For : CHAIR CONSTRUCTION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

PETITION UNDER 37 C.F.R. §1.78(a)(3) TO ACCEPT UNINTENTIONALLY
DELAYED PRIORITY CLAIM

Pursuant to 37 C.F.R. §1.78(a)(3), Applicants respectfully request that the attached amendment to the priority claim submitted concurrently with the present petition be entered on the grounds that the delay in making the entire priority claim was unintentionally delayed.

The above-identified patent application was filed on September 10, 2003. When initially filed, the above-identified patent application claimed priority to commonly assigned, co-invented application serial no. 10/270,228, filed October 10, 2002, entitled CHAIR CONSTRUCTION, which is a continuation of commonly assigned, co-invented application serial no. 09/579,166, filed May 25, 2000, entitled CHAIR CONSTRUCTION. However, Applicants unintentionally did not include a priority claim to provisional application serial no. 60/139,599, filed June 17, 1999, entitled ADJUSTABLE CHAIR CONSTRUCTION.

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Applicant : Douglas C. Ball et al.
Appln. No. : 10/659,662
Page : 2

Applicants hereby petition for acceptance of the unintentionally delayed submission of the priority claim. The entire delay in making the priority claim until the filing of a grantable petition under 37 C.F.R. §1.78(a)(3) was unintentional.

In support of Applicants' petition, Applicants have enclosed a check in the amount of \$1370.00.

Please charge any additional fees or credit any overpayment to Deposit Account No. 16-2463. A duplicate copy of this document is attached.

Favorable action on the merits of this petition is earnestly solicited.

Respectfully submitted,

DOUGLAS C. BALL ET AL.

By: Price, Heneveld, Cooper,
DeWitt & Litton, LLP

Date

12/3/04

Marcus P. Dolce

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1 Date of Request: <u>4-26-05</u>		2 Serial/Patent # <u>10/659662</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
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<input checked="" type="checkbox"/>	Petition		<u>12604</u>	\$ <u>1370</u>							
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8 TO BE REFUNDED BY:											
10 REASON:		Treasury Check									
	Overpayment	2 Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>1</td><td>6</td><td>--</td><td>2</td><td>4</td><td>6</td><td>3</td></tr></table>			1	6	--	2	4	6	3
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<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
Pet dismissed as moot - no fee req'd.											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>F. HICKS</u>		TITLE: <u>Pres. Eval.</u>									
SIGNATURE: <u>F. Hicks</u>		PHONE: <u>5712723218</u>									
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